

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-04-0288 LKK KJM P

vs.

JOSEPH FERRARI,

Movant.

ORDER

On January 16, 2009, this court recommended that the underlying motion to vacate sentence be dismissed because of movant's failure to file an opposition to respondent's motion to dismiss and his failure to respond to the court's order directing him to file his opposition or statement of non-opposition.

On January 27, 2009, movant filed objections, in which he explained that he had not received the motion to dismiss or the court's previous order.

IT IS THEREFORE ORDERED that:

1. The findings and recommendations filed January 16, 2009 (docket no. 72) are hereby vacated;

2. Counsel for respondent is directed to send movant another copy of the motion to dismiss within five days of the date of this order; and

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1 3. Movant's opposition or statement of non-opposition is due within forty-five
2 days of the date of this order; respondent's reply, if any, is due thirty days after the filing of the
3 opposition.

4 DATED: February 11, 2009.

5 
6 U.S. MAGISTRATE JUDGE

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